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9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN FRANCISCO DIVISION**

12 U.S. EQUAL EMPLOYMENT  
13 OPPORTUNITY COMMISSION,

14 Plaintiff,

15 vs.

16 TESLA, INC.,

17 Defendant.  
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Case No. 3:23-cv-04984-JSC

**DECLARATION OF SARA A. BEGLEY IN  
SUPPORT OF DEFENDANT TESLA, INC.'S  
MOTION TO STAY ALL PROCEEDINGS IN  
LIGHT OF LONG-RUNNING, CURRENTLY  
PENDING AND VIRTUALLY IDENTICAL  
STATE COURT LITIGATION**

Hearing Date: February 1, 2024  
Time: 10:00 AM  
Judge: Hon. Jacqueline Scott Corley  
Courtroom: 8

Complaint Filed: September 28, 2023

*[Defendant's Notice of Motion and Motion;  
Declarations of Tiffany Hart, Thomas E. Hill  
and Jessica Quon-Vail; Request for Judicial  
Notice; Exhibits in Support of Motion; and  
Proposed Order, All Filed Concurrently  
Herewith]*

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**DECLARATION OF SARA A. BEGLEY**

I, Sara A. Begley, declare as follows:

1. I am an attorney at law duly licensed to practice before all courts in the State of Pennsylvania, and I am a partner with Holland & Knight LLP, counsel of record for Defendant Tesla, Inc. (“Tesla” or “Defendant”) in the above-captioned action. I have personal knowledge of the facts set forth herein, and, if called upon to do so, I could and would competently testify regarding those facts. I make this declaration in support of Defendant’s motion to stay all proceedings in this matter.

2. On May 28, 2019, the U.S. Equal Employment Opportunity Commission (“EEOC”) filed a Commissioner’s Charge of Discrimination (the “Commissioner’s Charge”), EEOC Charge No. 555-2019-01273, against Tesla. A true and correct copy of the EEOC Commissioner’s Charge is attached as **Exhibit F** to Defendant’s Exhibits in Support of Motion to Stay All Proceedings (“Exhibits”).

3. On March 3, 2022, Holland & Knight entered its appearance to represent Tesla in connection with the investigation of the Commissioner’s Charge.

4. On March 14, 2022, the EEOC informed Tesla via e-mail that it had completed its investigation into the allegations of race discrimination and harassment set forth in the Commissioner’s Charge. Before my receipt of this e-mail, the last substantive communication that had occurred between the EEOC and Tesla’s prior counsel regarding its investigation was in April 2021, close to one year prior.

5. In late March 2022, the EEOC conducted a pre-Determination interview with Tesla. I attended and represented Tesla at that interview. During this meeting, the EEOC advised Tesla that its investigation had uncovered evidence of a facility-wide hostile work environment for Black workers at Tesla’s auto manufacturing facility in Fremont, California (the “Fremont Factory”), dating back to 2015.

6. Tesla specifically requested on multiple occasions that the EEOC share factual specifics evidence regarding which departments, managers, or individuals at the Fremont Factory (a facility with more than 20,000 workers) were responsible for the hostile work environment that the EEOC claimed existed at the plant. Tesla made this request to ensure that there was no ongoing

1 misconduct and that no bad actors remained employed at Tesla. Tesla further proposed that the EEOC  
2 could anonymize the requested information in order to alleviate concerns of retaliation. Contrary to  
3 the EEOC's statement in Paragraph 12 of its Complaint, the EEOC flatly refused Tesla's critical  
4 request and never provided factual specifics that would enable Tesla to respond and correct any  
5 alleged misconduct.

6 7. At my request, the EEOC allowed Tesla to provide the EEOC with an in-depth, in-  
7 person presentation on May 24, 2022, regarding Tesla's fair employment culture, practices, policies,  
8 and systems. We were grateful for the opportunity to share Tesla's perspective. During the in-person  
9 presentation, we identified specific glaring deficiencies in the EEOC's investigation: To Tesla's  
10 knowledge, in the nearly three years since the EEOC initiated its investigation into the  
11 Commissioner's Charge, the EEOC (1) had never visited or inspected the Fremont Factory, despite  
12 receiving multiple invitations to do so, (2) had never requested or conducted a single interview of any  
13 member of Tesla's management, Human Resources ("HR"), or Employee Relations ("ER") teams,  
14 despite concluding that such personnel systemically failed to properly address complaints of racial  
15 discrimination from Tesla employees, and despite Tesla's ardent requests that the EEOC meet with  
16 its leadership team, and (3) had never made any inquiries to learn about Tesla's robust anti-graffiti  
17 and graffiti-remediation processes.

18 8. Without conducting a single Tesla management, HR, or ER interview or inspecting  
19 the Fremont Factory, on June 1, 2022, the EEOC issued a Determination Letter in which it advised  
20 Tesla that the EEOC had reasonable cause to believe that Tesla had violated Title VII by subjecting  
21 Black employees to a hostile work environment and by retaliating against Black employees who  
22 complained of race discrimination and harassment. A true and correct copy of the EEOC's  
23 Determination Letter is attached as **Exhibit M** to the Exhibits.

24 9. Suffice it to say that the EEOC never displayed any sense of urgency to address or  
25 potentially remedy the issues identified in the Commissioner's Charge or the Determination Letter  
26 during the prolonged period of delay between issuing its Commissioner's Charge on May 28, 2019  
27 and its determination on June 1, 2022.

10. On June 21, 2023, the EEOC issued a notice of conciliation failure to Tesla, and the above-captioned action was thereafter filed in September 2023, accompanied that day by the EEOC's issuance of a splashy press release, a true and correct copy of which is attached as **Exhibit N** to the Exhibits.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

/s/ Sara A. Begley  
Sara A. Begley